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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,537	03/05/2001	Manfred Horndl	PHO-99-531	1512

24737 7590 11/04/2003

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

LEWIS, MICHAEL A

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/786,537

Applicant(s)

HORNDL, MANFRED

Examiner

Lewis A Michael

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (e) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if

applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."

- (f) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (g) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (h) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (j) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or

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less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).

- (k) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2 & 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Schroder et al. (U.S. Patent No.5,197,052).

Schroder et al. disclose a computer, a foot switch, a coding circuit with a microphone, voice output system with speakers and an interlocking circuit for interfacing between the computer and output devices which form a dictation system. (see Fig 1)

Regarding claims 1, Schroder et al. disclose a foot-operated input means for manually inputting control information by which an audio reproduction mode of the dictating machine can be activated or deactivated. The control of the recording and playback mode is taught by the use of a dictating microphone or the playback mode through a foot switch. (Col2, Lines 37–34).

Schroder et al. disclose the audio information stored in the dictating machine can be delivered to headphones or speaker *[loudspeaker]* respectively. A voice output system is taught that converts the digital signal into analog signal corresponding to the spoken word and outputting it to a speaker *[loudspeaker]* or headphone for the user to hear. (Col 2, Lines 13–18)

Schroder et al. disclose the connection means for connecting the input unit to the computer while the control information can be delivered to the computer by the connection. An interlocking circuit is described that includes an interface to a coding circuit that is connected to an input microphone. (Col 2, Line 2).

Schroder et al. disclose the digital link can be connected to the connection means and that the connection means are arranged for receiving the

audio information as digital audio data from the computer and delivering the control information as control data to the computer via a digital bus. In addition, there is the ability to connect to headphones or the loudspeaker respectively. In the Figure 1, Schroder et al.'s apparatus is described in detail. The interlocking circuit acts as an interface to the computer. It has a voice output system that includes a digital-to-analog conversion means that receives digitally encoded audio data from the computer. The voice output system then converts the system data in a form where speakers *[loudspeakers]* or headphones can be used to hear it. (Col 8, Line 10 – 18). In addition, the interlocking circuit also controls a foot switch that is used to deliver control information to the computer for manipulation of the dictation machine. (Col 2, Line 18 –22).

As regards to Claim 2, Schroder et al. disclose the audio processing means for processing the audio information received by the connection means and the ability to for delivering an analog audio signal for headphones or speakers *[loudspeakers]* respectively. Schroder et al. describes a computer with text processing program, a voice input and voice output system which gives the advantage that a dictation recorded on a disk can be simultaneously listened to and written through a keyboard.(Col 2, Line 31). In addition, the voice output system includes a digital-to-audio conversion means that receives audio data from the

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computer. The digital to analog data conversion is necessary to change the stored digital data from the computer to an electrical representation so that speakers or headphones can utilize it. (Col2 , Line10).

As regards to Claim 4, Schroder et al. disclose the arrangement for audio processing means to be delivered to speakers or headphones. A voice output system is described that converts the system data in a form where loudspeakers [*speakers*] or headphones can be used to hear it. (Col 8, Line 10 – 18). The function of speakers is widely known in the industry. A built-in speaker or speaker or loud speaker all have the same function.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. ~~The text of those sections of Title 35, U.S. Code not included in this action~~
can be found in a prior Office action. ① 2

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 3, 5, & 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder et al. (U.S. Patent 5,197,052) in view of Brown et al. (U.S. Patent 6,366,622).

Schroder et al. disclose a computer, a foot switch, a coding circuit with a microphone, voice output system with speakers and an interlocking circuit for interfacing between the computer and output devices which form a dictation system. (see Fig 1)

Schroder et al. do not disclose the type of arrangement or connection between the interlocking device and computer.

However, Brown et al. teach the various computer interconnections currently available in the market. Brown describes the USB (Col 4, Line 67), Home RF [*Radio Frequency*] (Col 3, Line 12) and Bluetooth (Col 3, Line 15) interconnection standards. Various connections standards have been developed over the past few years for interfacing with computers

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that give many advantages including higher bit rates, portability, security, etc.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify schroder et al. digital link to include standards such as USB, Radio and Bluetooth technologies as taught by Brown et al. since these technologies would have offered the advantages of higher data rates, portability, etc. to the dictation system.

Conclusion

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Lewis, telephone number (703)305-8730.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

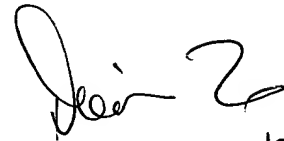
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose

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telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mal

10/22/2003



10/30/03

DORIS H. TO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600